

REMARKS/ARGUMENTS

Claims 1, 2, 5-10 and 13 are pending. By this Amendment, the specification is amended, claim 1 is cancelled, and claims 2 and 5-7 are amended, and new claim 13 is presented.

Support for the amendments to the specification can be found, for example, in the Rule 132 Declaration filed January 11, 2008, which demonstrates that evaluating distillation characteristics, including T₅₀, by the "test method for distillation at atmospheric pressure" stipulated in JIS K2254 "Petroleum products – Determination of distillation characteristics" as that standard was revised in 1998, is inherent in the present specification. Support for the amendments to claims 2 and 5-7 and for new claim 13 can be found, for example, in original claims 1, 2, 5-7 and 12. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1, 2, 5-10 and 12 under the enablement requirement of 35 U.S.C. §112, first paragraph. By this Amendment, claim 1 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

The Office Action asserts that the present specification does not enable the present claims because "'test method for distillation at atmospheric pressure' provided in the standard JIS K2254 'Petroleum products – Determination of distillation characteristics' as revised in 1998" appears to be essential subject matter, but has not been incorporated into the specification. By this Amendment, the specification is amended to incorporate the year of revision of the identified standard (JIS K2254). As discussed in the previous response, the

year of revision of the identified standard is inherent in the description of the present specification, so no new matter is added.

By amending the specification to incorporate the year of revision of JIS K2254 applicable to the presently claimed invention, Applicants have further clarified the subject matter encompassed by the identified standard. The specification now provides adequate description so that one of ordinary skill in the art could make or use the claimed invention. *See* MPEP §2164. No further description is required to meet the enablement requirement of 35 U.S.C. §112, second paragraph.

Applicants submit that there is no need to explicitly set forth the lengthy text of JIS K2254 in the present specification. JIS K2254 is not "essential material" of the type described in 37 C.F.R. §1.57(c). One of ordinary skill in the art would fully understand the procedures encompassed by JIS K2254 and would be readily able to obtain a copy of the standard – a skilled artisan would not need to be provided with the literal text of JIS K2254 in order to practice the method of the present invention.

For the foregoing reasons, claims 2, 5-10 and 12 are fully enabled. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejections Under 35 U.S.C. §102/§103

A. Fujisou

The Office Action rejects claims 1, 2, 5 and 6 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent No. 5,130,115 to Fujisou et al. ("Fujisou"). By this Amendment, claims 1 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

Claims 2, 5 and 6 are amended to depend from claim 12, which the Office Action indicates recites allowable subject matter. Accordingly, amended claims 2, 5 and 6 are now

believed to recite allowable subject matter. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Igarashi, Okada or Fujisou

The Office Action rejects claims 7-10 under 35 U.S.C. §102(b), or in the alternative under 35 U.S.C. §103(a), over U.S. Patent No. 5,130,114 to Igarashi ("Igarashi"), U.S. Patent No. 5,124,140 to Okada et al. ("Okada") or Fujisou. Applicants respectfully traverse the rejection.

As a result of this Amendment, Claims 7-10 depend from claim 12, which the Office Action indicates recites allowable subject matter. Accordingly, claims 7-10 are now believed to recite allowable subject matter. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

New Claim

By this Amendment, new claim 13 is presented. New claim 13 depends from claim 12, which the Office Action indicates recites allowable subject matter. Accordingly, claim 13 is believed to recite allowable subject matter.

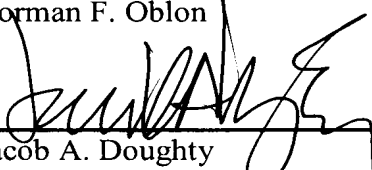
Conclusion

For the foregoing reasons, Applicants submit that claims 1, 2, 5-10 and 13 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Jacob A. Doughty
Registration No. 46,671

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 08/07)

Attachment:

Substitute Abstract